

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Prior to this amendment, Claims 4-10 were pending in the application, with Claims 4 and 8 being the independent claims.

The Examiner objected to Claims 4 and 8. The Examiner rejected Claims 4-8 under 35 U.S.C. §112, second paragraph. The Examiner rejected Claims 4-10 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,639,973 to *Wheeler et al.* (hereinafter, *Wheeler*) in view of U.S. Publication No. 2002/0073142 to *Moran*.

Regarding the objection to Claims 4 and 8 and the §112, second paragraph, rejection of Claims 4-8, Claim 8 has been amended to more clearly recite the subject matter of the present invention and Claim 4 has been cancelled without prejudice. More specifically, Claim 8 has been amended to recite that establishment of a call connection with a counterpart mobile terminal is requested using the mobile terminal, and that the call connection is established when the request for establishment of the call connection succeeds. Accordingly, Applicant asserts that the objection and rejection under 35 U.S.C. §112, second paragraph, should be withdrawn.

Regarding the §103(a) rejection of Claims 4-10, the Examiner contends that each element of the claims is taught, suggested or rendered obvious by the combination of *Wheeler* and *Moran*. Specifically, the Examiner contends that *Wheeler* teaches or suggests each element of Claims 4 and 8, with the exception of a one-touch button that transmits the message after failure. The Examiner cites *Moran* in an attempt to remedy this deficiency.

Wheeler discloses a method for controlling a call by an originating party. The originating party pre-configures options of a call treatment rule set for particular individuals or groups in the event that certain parties are not reachable. Options are then pre-selected.

Moran discloses a messaging system applicable to communications media. A feature key indicates that a user requires to send a pre-recorded message.

Claims 4-7 have been cancelled without prejudice, and Claim 8 has been amended. Claim 8, as amended, recites that establishment of a call connection with a counterpart mobile terminal is requested using a mobile terminal. The call connection is established when the request for establishment of the call connection succeeds. When the request for establishment of the call connection fails, a one-touch button of the mobile terminal is pressed. Using a phone number of the counterpart mobile terminal entered during the request to establish a call connection, a phone number of the mobile terminal and a predetermined message corresponding to the one-touch call button are transmitted to the counterpart mobile terminal.

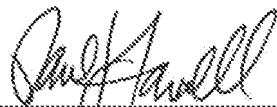
Wheeler describes that when a connection is unable to be completed, control is returned from the terminating party call control through a network to call control logic of the originating party call control or directly to the originating subscriber. *Wheeler* further describes the pre-configuration of options for particular individuals as groups in the event they are not reachable. Thus, *Wheeler* utilizes prestored information in performing an action after a failed call attempt, and fails to disclose the use of a phone number of a counterpart mobile terminal entered during a call attempt, as recited in amended Claim 8. Further, *Wheeler* fails to disclose the transmission of a predetermined message and a phone number of the mobile terminal, as recited in amended Claim 8.

Moran describes that a particular function key of a telephone handset is pressed by a user as a method of leaving a particular message in a called party's mailbox. However, *Moran* fails to disclose the pressing of a one-touch call button of the mobile terminal when a request for establishment of a call connection fails, as recited in amended Claim 8. Thus, *Moran* fails to provide any disclosure that remedies the deficiencies of *Wheeler*, and amended Claim 8 is patentable over the combination of *Wheeler* and *Moran*.

Regarding Claims 9 and 10, while not conceding the patentability of the dependent claims, *per se*, Claims 9 and 10 are also patentable for at least the above reasons. Accordingly, Applicant asserts that Claims 8-10 are allowable over *Wheeler* and *Moran*, and the rejection under 35 U.S.C. §103(a) should be withdrawn.

Accordingly, all of the claims pending in the Application, namely, Claims 8-10 are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



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